

APPENDIX D
REAL ESTATE PLAN
GENERAL REEVALUATION REPORT
MISSOURI RIVER LEVEE SYSTEM
UNIT L142
JEFFERSON CITY, MISSOURI

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REAL ESTATE PLAN

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This Real Estate Plan (REP) is provided as Appendix 6.05 to the General Reevaluation Report for the subject project in accordance with ER 405-1-12 paragraph 12-16, dated 1 August 1996.

1. Purpose

In accordance with guidance adopted in November 1993, the current study effort will produce a General Reevaluation Report that will determine the feasibility of a reformulated project and also serve as its General Design Memorandum. The early part of the study includes reconnaissance level formulation of at least one potentially feasible plan in order to justify proceeding with development of an array of plans and detailed analysis thereof. No Real Estate Plans, etc. have been produced to support previous studies.

2. Description of Lands, Easements, Rights of Way, Relocations and Disposal (LERRD)

Project purposes require acquisition of permanent and temporary easements on private and publicly owned land. There will be no fee acquisition expressly for levee right of way (r-o-w), however, in one area a residential relocation will require fee acquisition. Estates to be acquired by the Non-Federal Local Sponsor (Sponsor) are explained below. Acquired estates will conform to the descriptions provided in ER 405-1-12, Figures 5-6 to 5-6h.

a. Flood Protection Levee Easements:

Permanent easement r-o-w will be taken for the levee footprint which includes landward stability and underseepage berms and “minimum facilities” for interior drainage. Also included will be a 10-foot maintenance r-o-w on both sides of the structure.

b. Borrow Easements:

Borrow for levee construction will be required and taken in easement. These areas are shown on the attached map.

c. Temporary Work Area (Construction) Easements:

Temporary work easements for the proposed construction site will be acquired for staging areas and for construction access for areas 20' beyond the permanent levee r-o-w.

d. Fee:

Fee acquisition is confined to one small residential lot at approximate levee stations 77+00 to 78+00.

Attachment "1" provides information by tract on acreage, ownership and value. Costs for fee acquisition are reflected in relocation costs.

3. LERRD Required for the Project Owned by the Sponsor

There are approximately 55 acres owned in fee within the project area by the Sponsor. This fee ownership is sufficient for right of way for project purposes.

4. Non-Standard Estates

There are no non-standard estates to be used in this project.

5. Existing Federal Project Within the Proposed Project

There are no existing Federal Projects within the proposed project.

6. Federally-Owned Land Within the Project

There is no Federally Owned land within the proposed project.

7. Navigational Servitude

The Missouri is a navigable river and the Corps of Engineers has jurisdiction on the river between the ordinary low water mark and the ordinary high water mark. Ordinary high water elevation at river mile 142 is at 537.4 feet. The levee will be positioned above this elevation at an approximate range of between 540 and 550 feet, and all areas within the project also are above the ordinary high water elevation. The project lands will therefore, not be subject to Navigational Servitude.

8. Project Area Map

The Real Estate map is enclosed as Attachment "2".

9. Induced Flooding

The project lies outside the Federal Emergency Management Agency (FEMA) designated floodway and is therefore not subject to FEMA regulation. Detailed hydraulic analyses indicate that during a 100-year flood event the predominantly agricultural areas immediately upstream of the project would receive less than .5 of a foot of flood impact. This is not considered significant flooding and additional lands, easements, rights of way, and relocations (LERRD) is not required.

10. Baseline Cost Estimate for Real Estate

A Baseline Cost Estimate is included as Attachment "1".

11. Anticipated Relocation Assistance Benefits

Relocation assistance benefits are required to be paid in any federal or federally assisted program in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646. In this case, P.L. 91-646 requires the Sponsor to comply with certain provisions governing land acquisition.

In the National Economic Development (NED) plan one business will be affected by the proposed levee with the Sponsor's estimated relocation cost of \$26,500. One residence estimated at \$45,000 and two signboards estimated at \$325,376 will also be relocated. The effective date of the preceding is 1 October 1998.

12. Present and Anticipated Mineral Activity

There is no current or anticipated mineral activity on the proposed project site.

13. Assessment of the Sponsor's Real Estate Acquisition Capability

The Sponsor has been involved with a buy-out program in the project area as a result of the great flood of 1993, and subsequent floods of 1994 and 1995. To date they have dealt with 120 owners and 190 parcels of residential, commercial, and agricultural land and relocations of it. Currently land is being acquired for a FAA funded airport expansion project with 19 owners and 30 parcels of land. In addition, the Sponsor acquires rights of way and disposal areas for City-owned utilities. The Sponsor is incorporated and has the right of eminent domain. It has a form of "quick take" authority in that, if able to demonstrate an imminent need to proceed with the project to the Court, possession can occur provided sufficient money can be escrowed to make

land payments upon a judgement. The Sponsor has an attorney, the equivalent of a Realty Specialist and survey team on staff. There will be approximately 21 privately or publicly owned tracts in this project and it is considered that the Sponsor has sufficient staff to acquire the rights needed. The Sponsor has been advised of its requirements under URA and of the need to document land acquisition costs to receive any credits due. The Assessment of the Sponsor's real estate acquisition capability is enclosed as Attachment "3".

14. Enactment of Zoning Ordinances

As shown on the attached map the properties on the east side of the project not currently in the City limit will be annexed. The City has indicated that with annexation the zoning would correspond with the current usage, that of agriculture.

15. Schedule of Land Acquisition

The schedule of acquisition is included as Attachment "4".

16. Facilities/Utilities to be Relocated

A preliminary investigation of utility and facility relocations has been conducted by the Kansas City District Planning and Engineering Division. The conclusion is that several utilities are located within the construction limits of the proposed project. Among these are buried telephone cable and fiber optics, sanitary sewer force mains, sanitary sewer gravity pipes, water lines, natural gas lines and overhead electrical lines. A detailed description of these utility relocations can be found in Section 6.06, Utility Relocations, with estimates as to cost in Section 10. The investigation reveals no relocation of roads, railroads, or cemeteries. A Preliminary Attorney's Opinion of Compensability has been prepared, and concludes a Federal responsibility to assure that all relocations are properly completed by the local non-Federal Sponsor. Section 111 of 72 Statute 303, as amended, 33 U.S.C. 633 does not apply.

Any conclusion expressed herein that a proposed relocation of a utility or facility is to be performed at the expense of the sponsor as a part of LERRD responsibilities, or at the owner's expense as an abandonment, will be subject to confirmation or amendment be a determination of the District Engineer or his designee following formal title searches and the completion of Attorney's Opinions of Compensation.

17. Impact from Known Contamination on Acquisition Process

An initial HTRW assessment (Appendix E) of the project area was conducted by the Kansas City District and discusses HTRW sites in the area of the project. The assessment indicates that there are no known HTRW sites within the project area. If HTRW sites are discovered during construction, the project sponsor will be responsible for cleanup.

18. Attitude of Landowners

Based on information provided by the Non-Federal Sponsor, the agricultural owners in the area are generally neutral about the project. Due to the recent flooding, many are looking to sell their bottomland. The three major commercial businesses in the area are very supportive of the planned project.

19. Risk Notification

The staff of the Non-Federal Sponsor was notified of the risk of land acquisition prior to execution of the PCA in a meeting 12 September, 1996, and reiterated by telephone conversation 3 October, 1996. A formal letter will be sent upon approval of the feasibility report.

20. Other Relevant Real Estate Issues

As a result of major flood events in the project area the sponsor has utilized FEMA grant money to buyout businesses and residences in a flood prone area of what is known as Cedar City. As a condition of the use of this money, a deed restriction was placed on the property restricting future uses to those that are consistent with open space. FEMA has concluded previously that levees for flood control purposes do not conform to the open space requirement contained in the subject deeds. Approximately 10 acres at approximate stations 64+00 through 85+00 in the project area are thus restricted. The sponsor is aware of this potential problem. The local non-Federal Sponsor, Jefferson City, Missouri, is currently working with local, state, and federal agencies and elected officials to resolve this concern.